

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL MCDONAGH,

Plaintiff,

- against -

ACTING COMMISSIONER OF SOCIAL
SECURITY,

Defendant.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/2/2018

16-CV-8698 (VSB) (KHP)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff Michael McDonagh commenced this action against Defendant, the Acting Commissioner of the Social Security Administration (the “Acting Commissioner”), pursuant to the Social Security Act, 42 U.S.C. § 405(g), seeking review of the Acting Commissioner’s decision that Plaintiff is not entitled to disability insurance benefits. (Doc. 1.) On May 16, 2017, Plaintiff filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56(a). (Doc. 12.) On July 17, 2017, Defendant filed a cross-motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (Doc. 19.) On February 23, 2017, this case was referred to Magistrate Judge Katharine Parker for a report and recommendation on the motions. (Doc. 9.) Judge Parker issued her Report and Recommendation on November 27, 2017 (“Report and Recommendation” or “R&R”). (Doc. 23.) Neither party filed an objection.

Before me is Judge Parker’s unchallenged Report and Recommendation, which recommends that Plaintiff’s summary judgment motion be denied and Defendant’s motion for a judgment on the pleading be granted. Judge Parker’s R&R is thorough and detailed, and I accept its findings and recommendations.

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003); *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, the Report and Recommendation was filed on November 27, 2017. Although the Report and Recommendation explicitly provided that "[t]he parties shall have fourteen days from the service of this Report and Recommendation to file written objections," (R&R 38), neither party filed an objection. I therefore review Judge Parker's thorough and well-reasoned Report and Recommendation for clear error and, after careful review of the record, find none. Accordingly, I adopt the Report and Recommendation in its entirety. Plaintiff's motion for summary judgment, (Doc. 12), is denied and Defendant's motion for judgment on the pleadings, (Doc. 19), is granted.

The Clerk's Office is respectfully directed to enter judgment in favor of Defendant and close the case.

SO ORDERED.

Dated: May 2, 2018
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive style with a horizontal line underneath the name.

Vernon S. Broderick
United States District Judge